



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF

AUG 03 2006

(AE-17J)

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Robert A Maciel  
Superintendent, Environmental Services Department  
Mittal Steel USA, Inc  
250 West U S Highway 12  
Burns Harbor, Indiana 46304-9745

Re Notice of Violation  
Mittal Steel Company  
Burns Harbor, Indiana

Dear Mr Maciel

The United States Environmental Protection Agency (U S EPA) is issuing the enclosed Notice of Violation (NOV) to Mittal Steel USA, Inc (Mittal or you) under Section 113(a)(1) of the Clean Air Act, 42 U S C § 7413(a)(1). We find that you are violating Subtitle I, Part C of the Act, and the Indiana State Implementation Plan (SIP) at your facility located at 250 West U S Highway 12, Burns Harbor, Indiana.

Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial, civil, or criminal action. The options we select may depend on, among other things, the length of time you take to achieve and demonstrate continuous compliance with the rules cited in the NOV.

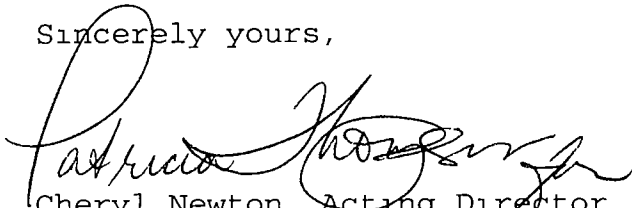
We are offering you an opportunity to confer with us about the violations alleged in the NOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply, and the steps you will take to prevent future violations.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures.

and commitments    You may have an attorney represent you at this conference

The U S   EPA contact in this matter is Daniel Schaufelberger  
You may call him at (312) 886-6814 to request a conference    You  
should make the request as soon as possible, but no later than 10  
calendar days after you receive this letter    We should hold any  
conference within 30 calendar days of your receipt of this  
letter

Sincerely yours,



Cheryl Newton, Acting Director  
Air and Radiation Division

Enclosure

cc    David McIver, Chief  
Office of Enforcement Air Section  
Indiana Department of Environmental Management

CERTIFICATE OF MAILING

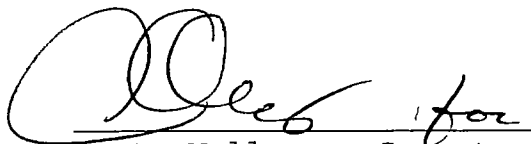
I, Betty Williams, certify that I sent a Notice of Violation, No EPA-5-06-IN-23, by Certified Mail, Return Receipt Requested, to

Robert A Maciel  
Superintendent, Environmental Services Department  
Mittal Steel USA, Inc  
250 West U S Highway 12  
Burns Harbor, Indiana 46304

I also certify that I sent copies of the Notice of Violation by first class mail to

David McIver, Chief  
Office of Enforcement Air Section  
Indiana Department of Environmental Management  
100 North Senate Avenue, Room 1001  
Indianapolis, Indiana 46206-6015

on the 4 day of AUGUST, 2006

  
Betty Williams, Secretary  
AECAS, (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER 7001 0320 0006 1455 0488

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

|                          |   |                     |
|--------------------------|---|---------------------|
| IN THE MATTER OF:        | ) |                     |
|                          | ) |                     |
|                          | ) | NOTICE OF VIOLATION |
| Mittal Steel USA, Inc    | ) |                     |
| Burns Harbor, Indiana    | ) | EPA-5-06-IN-23      |
|                          | ) |                     |
| Proceedings Pursuant to  | ) |                     |
| Section 113(a)(1) of the | ) |                     |
| Clean Air Act, 42 U S C  | ) |                     |
| § 7413(a)(1)             | ) |                     |

**NOTICE OF VIOLATION**

The United States Environmental Protection Agency (U S EPA) is issuing this Notice of Violation (NOV) under Section 113(a)(1) of the Clean Air Act (Act), 42 U S C § 7413(a)(1) U S EPA finds that Mittal Steel USA, Inc (Mittal) is violating Subtitle I, Part C of the Act and the Indiana State Implementation Plan (SIP) at its facility located at 250 West U S Highway 12, Burns Harbor, Indiana, as follows

**Statutory and Regulatory Background**

**Prevention of Significant Deterioration**

- 1 On June 19, 1978, U S EPA promulgated the Prevention of Significant Deterioration (PSD) of air quality standards pursuant to Subtitle I, Part C of the Act These regulations were revised on August 1, 1980 (45 Fed Reg 52676), and are codified at 40 C F R § 52 21 (43 Fed Reg 26403)
- 2 Subtitle I, Part C of the Act, and the regulations implementing Part C at 40 C F R § 52 21, prohibit a major stationary source from constructing a modification without first obtaining a PSD permit if the modification is major in that it will result in a significant net increase in emissions of a regulated pollutant, and if the source is located in an area which has either achieved the National Ambient Air Quality Standards (NAAQS) for that pollutant, or has been designated as unclassifiable for that pollutant Part C at 40 C F R § 52 21(j) further requires, among other things, that a source subject to these PSD regulations shall install Best Available Control Technology (BACT) to control

the emissions of each regulated pollutant

- 3 On April 7, 1980, U S EPA delegated to the Indiana Department of Environmental Management (IDEM) authority to review and process PSD permit applications and to implement the PSD program 46 Fed Reg 9584
- 4 On August 7, 1980, U S EPA incorporated the provisions of 40 C F R § 52 21(b) through (w) into the Indiana SIP 40 C F R § 52 793 (45 Fed Reg 52741, as amended at 46 Fed Reg 9584)
- 5 On March 3, 2003, U S EPA conditionally approved Indiana's PSD SIP, 326 IAC Rule 2-2 68 Fed Reg 9892
- 6 On May 20, 2004, U S EPA provided final approval of Indiana's PSD SIP, 326 IAC Rule 2-2 69 Fed Reg 29071
- 7 40 C F R § 52 21(b)(1)(i)(b) and 326 Ind Admin Code § 2-2-1(gg) defines a "major stationary source" as any stationary source, including iron and steel mill plants and coke oven batteries, which emit, or have the potential to emit, 100 tons per year (tpy) or more of any air pollutant subject to regulation under the Act
- 8 40 C F R § 52 21(b)(2)(i) and 326 Ind Admin Code § 2-2-1(ee) define a "major modification" as any physical change in or change in the method of operation of a major stationary source that would result in a significant net emissions increase of any pollutant subject to regulation under the Act
- 9 40 C F R § 52 21(b)(3)(i) and 326 Ind Admin Code § 2-2-1(jj) define "net emissions increase" as "the amount by which the sum of the following exceeds zero
  - (a) Any increase in actual emissions from a particular physical change or change in method of operation at a stationary source, and
  - (b) Any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable "
- 10 40 C F R § 52 21(b)(21) and 326 Ind Admin Code § 2-2-1(b) define "actual emissions" as of a particular date equal to the average rate, in tons per year, at which the unit actually emitted the pollutant during a two-year (consecutive twenty-four month) period which precedes the

particular date and which is representative of normal source operations

- 11 40 C F R § 52 21(b)(23)(i) and 326 Ind Admin Code § 2-2-1(xx)(1), in relevant part, define "significant", in reference to a net emissions increase or the potential of a source to emit sulfur dioxide (SO<sub>2</sub>), as a rate of emissions that would equal or exceed 40 tpy

#### **Mittal's Burns Harbor Facility**

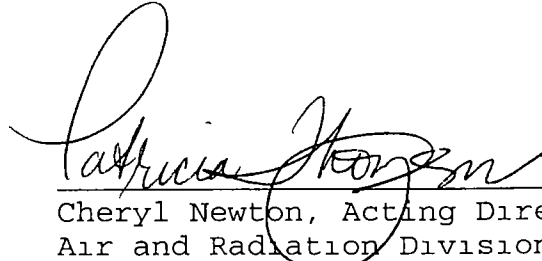
- 12 Mittal owns and operates an integrated steel mill at 250 West U S Highway 12 in Burns Harbor, Indiana
- 13 Mittal's Burns Harbor facility is located in Porter County, Indiana, an area designated as "cannot be classified" for the National Ambient Air Quality Standards (NAAQS) for SO<sub>2</sub>  
40 C F R § 81 315
- 14 Prior to 1980 and continuing through the present, the Burns Harbor facility emitted or had the potential to emit 100 tons per year or more of a pollutant regulated under the Act, and is a "major stationary source" as defined at 40 C F R § 52 21(b)(1)(i)(b) and 326 Ind Admin Code § 2-2-1(gg)
- 15 In early 1994, Mittal (Bethlehem Steel Corporation at the time) commenced a pad-up rebuild of its No 2 Coke Oven Battery
- 16 The pad-up rebuild of Mittal's No 2 Coke Oven Battery resulted in a net SO<sub>2</sub> emissions increase in excess of the PSD significance level of 40 tpy
- 17 On December 17, 1994, Mittal began operation of the newly rebuilt No 2 Coke Oven Battery
- 18 By March of 1995, Mittal reached full production at the No 2 Coke Oven Battery

#### **Violations**

- 19 In early 1994, Mittal commenced a major modification of its No 2 Coke Oven Battery without obtaining a PSD permit and complying with the requirements in 326 Ind Admin Code Rule 2-2, in violation of Section 165 of the Act, 42 U S C § 7475, and 326 Ind Admin Code Rule 2-2

20     Mittal has operated and continues to operate the Burns Harbor facility without obtaining a PSD permit for the rebuild of its No 2 Coke Oven Battery, in violation of 40 C F R § 52.21, Section 165 of the Act, 42 U S C § 7475, and 326 Ind Admin Code Rule 2-2 of the Indiana SIP

8/3/06  
Date

  
Cheryl Newton, Acting Director  
Air and Radiation Division

standard bcc's    official file copy w/attachment(s)  
                         originating organization reading file  
                         w/attachment(s)

other bcc's        C   King (C-14J)

|               |                                       |
|---------------|---------------------------------------|
| Creation Date | July 24, 2006                         |
| Filename      | NOV   Mittal Steel                    |
| Legend        | ARD AECAB AECAS(IL/IN) Schaufelberger |